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FISCAL IMPACT STATEMENT

LS 6644

BILL NUMBER: HB 1003

NOTE PREPARED: Feb 14, 2012

BILL AMENDED: Jan 26, 2012

SUBJECT: State Agency Issues.

FIRST AUTHOR: Rep. Crouch

FIRST SPONSOR: Sen. Holdman

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: (Amended) This bill has the following provisions:

It allows a member of the governing body of any public agency of the state to participate in a meeting of the governing body by electronic communication only if:

- (1) the meeting meets all other requirements of the Open Door Law; and
- (2) a majority of the governing body adopts a policy regarding the use of meetings by electronic communication.

It provides that if a meeting by electronic communication is conducted the governing body is required to:

- (1) have the greater of two members or one-third of the governing body physically present at the meeting place; and
- (2) take only roll call votes.

It provides that unless a policy adopted by the governing body provides otherwise, a member who participates in a meeting by electronic communication:

- (1) is considered to be present at the meeting;
- (2) must be counted for purposes of establishing a quorum; and
- (3) may vote at the meeting.

The bill requires each member of the governing body to physically attend at least one meeting annually.

It specifies that a governing body may adopt a policy that allows the public to attend meetings conducted by

electronic communication at a public place and where a member is physically present and participates by electronic communication, excluding executive sessions.

It requires a governing body to post the governing body's electronic meeting policy on the Internet web site of the governing body or public agency.

The bill specifies that the electronic meeting law does not affect a governing body's right to exclude the public from an executive session conducted by electronic communication.

It repeals the individual statutory authorizations for the following state entities to have meetings by electronic communication:

- (1) State Ethics Commission.
- (2) Indiana Bond Bank Board of Directors.
- (3) Indiana Public Retirement System Board of Trustees.
- (4) Board for Depositories.
- (5) Education Savings Authority Board of Directors.
- (6) State board of trustees or a committee of the state board of trustees of Ivy Tech Community College of Indiana, Vincennes University, Ball State University, Indiana State University, Indiana University, Purdue University, and University of Southern Indiana.
- (7) Commission for Higher Education.
- (8) State Workforce Innovation Council.
- (9) Boards, committees, or commissions administered by the Professional Licensing Agency.
- (10) Department of Financial Institutions Governing Board.
- (11) Regional Services Council.

The bill changes the number of annual meetings the following state entities are required to conduct:

- (1) The State Budget Committee.
- (2) The State Employees Appeals Commission
- (3) The Board for Depositories.
- (4) The Commission for a Drug Free Indiana.

The bill provides that a "record", for purposes of the provisions concerning the State Commission on Public Records, includes electronically stored data.

It eliminates a requirement that the Public Works Division of the Department of Administration solicit sealed bids for public works projects by sending notices by mail and posting notices on a bulletin board in the agency's office.

It also requires the State Police Department to publish the following on the state police Internet web site:

- (1) The forms to be used by valuable metal dealers when purchasing valuable metal.
- (2) A list that describes valuable metal products that are particularly susceptible to theft.
- (3) The statutes and rules adopted by the Superintendent of the State Police Department concerning the regulation of valuable metal dealers.

Effective Date: July 1, 2012; January 1, 2013.

Explanation of State Expenditures: *Electronic Communications:* The bill potentially reduces travel and meeting expenses for the governing bodies of state public agencies by allowing members of the body to meet using electronic communications. The cost savings would depend on the number of meetings held by the body, whether the members are reimbursed for their travel and meeting expenses, the distance from the meeting site for the member not meeting in person, and the number of members who choose to forego meeting in person. Public agencies may incur minimal one-time costs to adopt a policy to allow meetings by electronic communication.

Change to Annual Meeting Schedule: The bill both increases and decreases the number of meetings required by various committees on an annual basis. The details concerning each committee with a change in schedule is shown in the table below.

Code Cite	Committee	Proposed Statutory Schedule	Current Statutory Schedule	Other Information
4-12-1-10	Budget Committee	Remove requirement to meet monthly after July.	At least once in two-month period after sine die and beginning in July, once a month and at call of chair	Minutes are available for eight meetings in 2010 and three meetings in 2011.
4-15-1.5-5	State Employees Appeals Commission	Annually	Monthly	Members receive \$50 per meeting and mileage. There are five members, and three or four members are usually present at each meeting.
5-2-6-16	Commission for Drug Free Indiana	Quarterly	Monthly	No information was available for this commission.
5-13-12-2	Board for Depositories	Semiannually	Quarterly	Members receive travel expense reimbursement only. There are nine members, and usually eight are in attendance.

Valuable Metal Dealers: The bill potentially reduces supply and distribution costs for the Indiana State Police (ISP) by eliminating requirements for paper distribution of valuable metal lists and forms, and instead replacing those with information posted on the ISP website.

Electronically Stored Data: There is no fiscal impact to adding electronic data to the definition of records for

the purposes of the State Commission on Public Records. The Commission already receives electronic data and will have to expand its electronic data storage capabilities in any event.

Department of Public Works (DPW): The DPW estimates annual cost savings of \$600 annually from not having to solicit for public works projects by sending notices in the mail to known potential bidders or by posting notices on public bulletin boards in its offices.

Explanation of State Revenues:

Explanation of Local Expenditures: A member of a governing body of a public agency of a political subdivision who participates in a meeting by electronic communication cannot participate in any final action and may not be counted as present, unless specifically authorized by statute.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected:

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